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OFFICE OF PETITIONS

In re Application of :
Robert Aranda Jr. :
Application No. 10/074,334 : **DECISION ON PETITION**
Filed: February 12, 2002 :
Attorney Docket No. 2215.004 :

This is a decision on the petition under 37 CFR under 1.181, filed May 10, 2006, requesting that the Office withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the nonfinal Office action mailed on April 21, 2005. A Notice of Abandonment was mailed on May 2, 2006. Petitioner asserts that petitioner filed a timely and proper response to the nonfinal Office action, accompanied by a request for an extension of time for response within the third month and the requisite fee on October 19, 2005.

Upon a review of the record, it appears that the application number in the heading of the response and the request for an extension of time identified application No. "10/974,334" rather than the intended application No. "10/074,334." The response and the request for an extension of time were located in the file of application No. 10/974,334. A review of the correspondence indicates that the USPTO received the response and the request for extension of time on October 19, 2005, but they were not matched with the file due to the incorrect application number.

Under current Office procedure, if a response having an incorrect application number contains sufficient information to identify the correct application and was timely received in the Office, the holding of abandonment will be withdrawn. In reviewing the papers, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition is **granted**. The Notice of Abandonment is hereby withdrawn and the application is returned to pending status.

The matter is being referred to Technology Center Art Unit 2141.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

A handwritten signature in cursive script, reading "C. T. Donnell".

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions